

ALB:CPK  
F. #2019R01002

CR 20 340

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
----- X

UNITED STATES OF AMERICA

- against -

GREGORY SETTINO,

Defendant.

----- X

FILED  
U.S. CLERK'S OFFICE  
IN CLERK'S OFFICE  
★ SEA - 2020 ★  
INDICTMENT  
ISLAND OFFICE

Cr. No. \_\_\_\_\_  
(T. 18, U.S.C., §§ 670(a)(1), 670(a)(3),  
670(b)(1), 670(c)(2), 1001(a)(2), 2 and  
3551 et seq.)

SEYBERT, J.

LINDSAY, M.J.

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

1. The United States Food and Drug Administration (“FDA”) was an agency of the United States Government responsible for enforcing the provisions of the Federal Food, Drug and Cosmetic Act (“FDCA”), Title 21, United States Code, Sections 301 et seq. The FDA’s responsibilities included, among other things, regulating drugs shipped, delivered and received in interstate commerce.

2. Title 21, United States Code, Section 321(g)(1) defined the term “drug” to mean, among other things, “articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals,” and “articles (other than food) intended to affect the structure or any function of the body of man or other animals.”

3. Pursuant to Title 18, United States Code, Section 670(e), drug manufacturers were part of the supply chain for “pre-retail medical products,” which included drugs that had not yet been made available for retail purchase by consumers.

4. Luitpold Pharmaceuticals, Inc. (“Luitpold”) was a pharmaceutical company located in Suffolk County, New York. In or about January 2019, Luitpold was renamed American Regent, Inc. (“American Regent”). One of the pre-retail products manufactured at Luitpold and American Regent was Adequan, an injectable equine drug administered to horses with degenerative joint disease. Luitpold and American Regent sold Adequan throughout the United States.

5. From approximately 2012 and January 2020, the defendant GREGORY SETTINO was the production supervisor of manufacturing for Luitpold and American Regent, in which capacity he supervised the manufacture of pre-retail medical products including Adequan. During this period, SETTINO stole thousands of bottles of Adequan from Luitpold and American Regent at the manufacturing site in Suffolk County, New York and then sold the stolen Adequan for a total of more than \$600,000.

COUNT ONE  
(Theft of Medical Products)

6. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

7. On or about January 16, 2018, within the Eastern District of New York and elsewhere, the defendant GREGORY SETTINO, together with others, while employed by an organization in the supply chain for a pre-retail medical product, did knowingly and intentionally embezzle, steal, and unlawfully take and carry away a pre-retail medical

product, to wit: Adequan, and did knowingly possess, transport and traffic in Adequan that had been embezzled, stolen, and unlawfully taken and carried away using a means and facility of interstate commerce, to wit: one or more cellular telephones, with the value of the medical products involved in the offense being greater than \$5,000.

(Title 18, United States Code, Sections 670(a)(1), 670(a)(3), 670(b)(1), 670(c)(2), 2 and 3551 et seq.)

COUNT TWO  
(False Statement)

8. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

9. On or about January 23, 2020, within the Eastern District of New York, the defendant GREGORY SETTINO did knowingly and willfully make one or more materially false, fictitious and fraudulent statements and representations, in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the FDA, in that the defendant falsely stated and represented to an FDA Special Agent that he had stolen less than one hundred bottles of Adequan from Luitpold and American Regent

when in fact, as SETTINO then and there well knew and believed, SETTINO had stolen thousands of bottles of Adequan from Luitpold and American Regent.

(Title 18, United States Code, Sections 1001(a)(2) and 3551 et seq.)

A TRUE BILL



---

\_\_\_\_\_  
FOREPERSON



---

SETH D. DuCHARME  
ACTING UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

F.#: 2019R01002  
FORM DBD-34  
JUN. 85

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

---

THE UNITED STATES OF AMERICA

vs.

GREGORY SETTINO,

Defendant.

---

**INDICTMENT**

(T. 18, U.S.C., §§ 670(a)(1), 670(a)(3), 670(b)(1), 670(c)(2),  
1001(a)(2), 2 and 3551)

*A true bill.*

-----  
*Foreperson*

Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

-----  
*Clerk*

Bail, \$ \_\_\_\_\_

-----  
*Charles P. Kelly, Assistant U.S. Attorney (631) 715-7866*